

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES WILLIAM TAYLOR,

Plaintiff,

v.

**FIRST MEDICAL MANAGEMENT
*et al.,***

Defendants.

**Case No. 3:10-cv-00451
Judge Aleta A. Trauger**

ORDER

Before the court is the plaintiff's Objection (Doc. No. 207) to the magistrate judge's Report and Recommendation ("R&R") and Order (Doc. No. 202), recommending that two separate Motions to Dismiss (Doc. Nos. 180, 199) be granted and that this action be dismissed in its entirety with prejudice, ordering that the plaintiff's Motion to Re-Issue Summons (Doc. No. 190) be denied and that a Motion to Strike Plaintiff's Supplemental Pleadings (Doc. No. 198) be granted. The court construes the plaintiff's filing as objecting both to the recommendation that the Motions to Dismiss be granted and to the order denying the Motion to Re-Issue Summons as futile.

The plaintiff objects very generally to the R&R and the Order, asserting that "each defendant has acted with deliberate indifference toward the plaintiff's serious medical indicated need when delaying and denying plaintiff prescribed pain medication, antibiotics and physical therapy" and that their actions have had permanent adverse consequences. (Doc. No. 207, at 2.) The plaintiff recognizes that, to establish a claim of deliberate indifference under *Farmer v. Brennan*, 511 U.S. 825, 834 (1994), a plaintiff must establish both an objective and a subjective

component. He argues that he has alleged facts supporting both components with respect to each and every defendant named in his Complaint. The TDOC defendants filed a Response to the plaintiff's Objection (Doc. No. 213), and the plaintiff filed a Reply (Doc. No. 214).


Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)(3) of the Federal Rules of Civil Procedure, the court has conducted a *de novo* review of the Objections and the record as a whole. Finding that the magistrate judge did not err, the court **ACCEPTS** in its entirety the magistrate judge's recommended disposition. Accordingly, the Objection is **OVERRULED**; the Motions to Dismiss (Doc. Nos. 180, 199) are **GRANTED**, and this action is **DISMISSED WITH PREJUDICE**.

The magistrate judge's Order denying the Motion to Re-Issue Summons as futile is **AFFIRMED**, as the ruling was neither clearly erroneous nor contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

This is the final Order in this action, for purposes of Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.

ENTER this 21st day of February 2018.



ALETA A. TRAUGER
United States District Judge